

## Part 1 General Provisions

### 58-63-101 Title.

This chapter is known as the "Security Personnel Licensing Act."

Amended by Chapter 79, 1996 General Session

### 58-63-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Armed courier service" means a person engaged in business as a contract security company who transports or offers to transport tangible personal property from one place or point to another under the control of an armed security officer employed by that service.
- (2) "Armed private security officer" means an individual:
  - (a) employed by a contract security company;
  - (b) whose primary duty is:
    - (i) guarding personal or real property; or
    - (ii) providing protection or security to the life and well being of humans or animals; and
  - (c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.
- (3) "Armored car company" means a person engaged in business under contract to others who transports or offers to transport tangible personal property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or any other high value items, that require secured delivery from one place to another under the control of an armored car security officer employed by the company using a specially equipped motor vehicle offering a high degree of security.
- (4) "Armored car security officer" means an individual:
  - (a) employed by an armored car company;
  - (b) whose primary duty is to guard the tangible property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured delivery from one place to another; and
  - (c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.
- (5) "Board" means the Security Services Licensing Board created in Section 58-63-201.
- (6) "Contract security company" means a person engaged in business to provide security or guard services to another person on a contractual basis by assignment of an armed or unarmed private security officer.
- (7) "Identification card" means a personal pocket or wallet size card issued by the division to each armored car and armed or unarmed private security officer licensed under this chapter.
- (8) "Officer" means a president, vice president, secretary, treasurer, or other officer of a corporation or limited liability company listed as an officer in the files with the Division of Corporations and Commercial Code.
- (9) "Owner" means a proprietor or general partner of a proprietorship or partnership, a lessee or assignee of the owner, the manager of the facility, or the event operator.
- (10) "Peace officer" means a person who:
  - (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications; and

- (b) derives total or special law enforcement powers from, and is an employee of, the federal government, the state, or a political subdivision, agency, department, branch, or service of either, of a municipality, or a unit of local government.
- (11) "Regular basis" means at least 20 hours per month.
- (12)
  - (a) "Security officer" means an individual who is licensed as an armed or unarmed private security officer under this chapter and who:
    - (i) is employed by a contract security company securing, guarding, or otherwise protecting tangible personal property, real property, or the life and well being of human or animal life against:
      - (A) trespass or other unlawful intrusion or entry;
      - (B) larceny;
      - (C) vandalism or other abuse;
      - (D) arson or other criminal activity; or
      - (E) personal injury caused by another person or as a result of an act or omission by another person;
    - (ii) is controlling, regulating, or directing the flow of movements of an individual or vehicle; or
    - (iii) providing street patrol service.
  - (b) "Security officer" does not include an individual whose duties are limited to custodial or other services even though the presence of that individual may act to provide a service set forth under Subsection (12)(a).
  - (c)
    - (i) "Security officer" does not include an individual whose duties include taking admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other materials going into a facility as described in Subsection (12)(c)(ii) if:
      - (A) the individual carries out these duties without the use of specialized equipment;
      - (B) the authority of the individual is limited to denying entry or passage of a person into or within the facility; and
      - (C) the individual is not authorized to use physical force in the performance of the individual's duties under this Subsection (12)(c).
    - (ii) As used in this Subsection (12)(c), "facility" means a sports, concert, or theatrical venue, or a convention center, fairgrounds, public assembly facility, or mass gathering location.
- (13) "Security system" means equipment, a device, or an instrument installed for:
  - (a) detecting and signaling entry or intrusion by an individual into or onto, or exit from the premises protected by the system; or
  - (b) signaling the commission of criminal activity at the election of an individual having control of the features of the security system.
- (14) "Specialized resource, motor vehicle, or equipment" means an item of tangible personal property specifically designed for use in law enforcement or in providing security or guard services, or that is specially equipped with a device or feature designed for use in providing law enforcement, security, or guard services, but does not include:
  - (a) standardized clothing, whether or not bearing a company name or logo, if the clothing does not bear the words "security" or "guard"; or
  - (b) an item of tangible personal property, other than a firearm or nonlethal weapon, that may be used without modification in providing security or guard services.
- (15) "Street patrol service" means a contract security company that provides patrols by means of foot, vehicle, or other method of transportation using public streets, thoroughfares, or property in the performance of the company's duties and responsibilities.

- (16) "Unarmed private security officer" means an individual:
  - (a) employed by a contract security company;
  - (b) whose primary duty is guarding personal or real property or providing protection or security to the life and well being of humans or animals;
  - (c) who does not wear, carry, possess, or have immediate access to a firearm in the performance of the individual's duties; and
  - (d) who wears clothing of distinctive design or fashion bearing a symbol, badge, emblem, insignia, or other device that identifies the individual as a security officer.
- (17) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-63-501.
- (18) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-63-502 and as may be further defined by rule.

Amended by Chapter 41, 2012 General Session

**58-63-103 Use of money for education, training, and enforcement.**

The director may, with the concurrence of the board, use the money collected under Section 58-63-503 for the following purposes:

- (1) educating and training licensees under this chapter;
- (2) educating and training the general public or other interested persons in matters concerning the laws that govern the practices licensed under this chapter; and
- (3) enforcing this chapter by:
  - (a) investigating unprofessional or unlawful conduct; and
  - (b) providing legal representation to the division when it takes legal action against a person charged with unprofessional or unlawful conduct.

Amended by Chapter 303, 2011 General Session

Amended by Chapter 342, 2011 General Session